

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHANNON WILLIAMS,	)	
	)	
Petitioner,	)	8:09CV262
	)	
v.	)	
	)	
ERIC HOLDER, U.S. ATTORNEY	)	ORDER
GENERAL, and WARDEN NEWTON,	)	
	)	
Respondents.	)	
_____	)	

Petitioner Shannon Williams ("Williams") filed a Petition for Writ of Habeas Corpus on August 4, 2009, pursuant to [28 U.S.C. § 2241](#) (Filing No. [1](#)). Williams alleges he is being held in violation of the Ku Klux Klan Act. He also alleges the Anti-Drug Abuse Act of 1986 violates the Ku Klux Klan Act because it results in the disparate treatment of black men. ([Id.](#) at CM/ECF p. 1.)

The petition is deemed insufficient and the Court will not act upon it. The Court must conduct an initial review of the petition to determine whether the claims made by Williams are, when liberally construed, potentially cognizable in federal court. Williams filed his petition pursuant to [28 U.S.C. § 2241](#), but it appears he is in state custody. (See [Docket Sheet](#).) If Williams is in state custody, he must file a petition pursuant to [28 U.S.C. § 2254](#) using a Form A0241 packet, Petition for Relief From a Conviction or Sentence By a Person in State Custody.

If Williams is in federal custody, the Court cannot determine how the Ku Klux Klan Act and the Anti-Drug Abuse Act of 1986 relate to the legality of his present confinement. Thus, the petition filed pursuant to [28 U.S.C. § 2241](#) is insufficient and Williams must file an amended petition

Williams' petition is insufficient and he must amend, regardless of whether he is in state custody or federal custody. Thus, the Court will grant Williams 30 days to amend his petition. Failure to adequately comply with this order may result in dismissal of the petition without further notice.

IT IS ORDERED:

1. The pending Petition for Writ of Habeas Corpus is deemed insufficient and the Court will not act upon it.

2. On or before October 24, 2009, Williams must submit a sufficient amended petition that specifies the grounds for relief, the facts supporting each ground, and the relief requested. If Williams is in state custody, he must file a Form AO241, Petition for Relief From a Conviction or Sentence By a Person in State Custody. If Williams is in federal custody, he must file an amended petition pursuant to [28 U.S.C. § 2241](#) that clearly sets forth his grounds for seeking habeas relief. Failure to comply with this order may result in dismissal of the petition without further notice.

3. The clerk of the court is directed to send Williams a Form A0241 packet, Petition for Relief From a Conviction or Sentence By a Person in State Custody.

4. The clerk of the court is directed to set a pro se case management deadline in this case with the following text:  
October 24, 2009: deadline for petitioner to submit amended petition.

DATED this 25th day of September, 2009.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court